

MATP-610US

Appln. No.: 09/909,179
Amendment Dated September 28, 2005
Reply to Office Action of July 28, 2005

Remarks/Arguments:

Claims 1-14 are pending in the above-identified application. Claims 1-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cannon et al. (US6510209) in view of Browne et al. (WO92/22983). This ground for rejection is overcome by amending claim 1 to recite,

... determining if a video recorder controlled by the video recorder programming device has sufficient storage to store video information corresponding to the recording parameter data and other video information that has not yet been recorded corresponding to previously stored recording parameter data and for prompting the user for instructions if the video recorder does not have sufficient storage to store the video information, and wherein the instructions prompt the user to select between overwriting recorded video information or editing the previously stored recording parameter data;

as set forth in amended claim 1. Amended claims 2, 7, 11 and 12 include similar elements. Basis for this amendment may be found in paragraphs 0030 and 0034 of the subject application.

The Cannon et al. patent concerns a telephone-enabled remote video programming device. It does not disclose or suggest any method for determining an amount of storage remaining on the storage device nor any means for prompting a user for instructions if it is determined that the remaining storage is insufficient to hold the video information corresponding to the newly-entered program. The Examiner concedes that Cannon et al. "fails to disclose" these elements of the present invention. Cannon et al. also do not disclose the additional limitation that the user's instructions allow the user to select between overwriting recorded video information or editing existing commands to record video information that has not yet been recorded.

The Browne et al. patent discloses a system for recording programs based on various criteria. The Examiner notes that the Browne et al. system "allows the user to be informed of the amount of available space for recording and insures the user that recording of the program will be successful." Accordingly, the system in Browne et al. ensures successful recording of a program by clearing previously recorded programs when there is a space shortage. "Program erasure section 301 allows a user to set how stored programs will be saved in the storage

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section 104" (pages 18-19). As such, the new program is recorded by erasing old programs, thereby allowing the new program to be recorded up to the amount of storage space available on the recorder. This may be done in a first-in-first-out (FIFO) manner, wherein an oldest stored program is erased, or in a previously viewed manner, wherein "only programs which have been viewed will be automatically erased" (page 19). Alternately, "program erasure may be set in program erasure section 301 to be executed only at the command of the user by selecting the command erasure option 310c. In this mode, automatic erasure will not occur at all, and programs will only be erased at the command of the user" (page 19).

Browne et al. do disclose:

"When inadequate unlocked storage in storage section 104 is reached, the multi-source recorder player 100 preferably alerts the user and presents a list of locked stored programs, preferably in a format similar to stored program list 600, which are causing the storage capacity condition. The user must unlock the necessary amount of storage in storage section 104 before further recording requests may be accommodated" (pages 25-26).

This allows the system to free space by deleting previously recorded programs that are unlocked by the user. A user of the Browne et al. system, however, may only respond to a shortage of free space by unlocking previously recorded programs, which may then be deleted according to the FIFO or previously viewed modes, described above. The Browne et al. system does **not** allow users to provide instructions to actively prioritize the recording of new video information against previously recorded video information **and** video information for which recording commands have been received but that have not yet been recorded. Thus, the Browne et al. system operates in a fundamentally different way than the subject invention. According to the Browne et al. system, the option to overwrite a previously recorded locked program is presented only when a new program is to be recorded. This requires a user to be present and able to respond to a query from the system in order to select between recording a new program or retaining currently recorded locked programs. In addition, for unlocked programs, the Browne et al. system always records new programs by overwriting the existing unlocked programs. It has no provision for replacing one pending program that has not yet been recorded with another pending program.

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The features of the claimed invention provide an advantage over the systems described by Cannon et al. and Browne et al. as they give a user greater control and options to actively prioritize the recording of the new video information against previously recorded video information and video information for which recording commands have been received but that has not yet been recorded. It is unclear how such active prioritization would be handled by the systems disclosed in Cannon et al. and/or Browne et al.

Because features of claims 1, 2, 7, 11 and 12 are missing from Cannon et al. and Browne et al., the subject invention is not subject to rejection under 35 U.S.C. § 103(a) as being unpatentable over Cannon et al. in view of Browne et al. Claims 3-6 depend from claim 1, claims 8-10 depend from claim 7, and claims 13 and 14 depend from claim 12. Accordingly, these claims are not subject to rejection under 35 U.S.C. § 103(a) for at least the same reasons as claims 1, 7 and 12.

In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-14.

Respectfully submitted,



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Attachments: Abstract

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